

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Wayne J. Jewell

v.

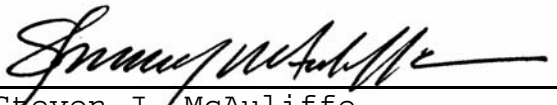
Case No. 11-cv-324-SM

United States of America

O R D E R

Re: (Document No. 27)
United States' Motion for Summary Judgment

Ruling: Pro Se Plaintiff in this medical malpractice case was required to disclose an expert witness on or before July 1, 2012. He did not do so. The government moved for summary judgment on grounds, among others, that plaintiff failed to disclose a medical expert and, under governing New Hampshire law (N.H. Rev. Stat. Ann. Ch. 507E:2) cannot maintain a medical negligence claim absent expert evidence. Plaintiff did not file a response to the motion for summary judgment. By motion for continuance of the scheduled trial (doc. no. 29), the government put plaintiff on notice that his objection to its summary judgment motion was due on September 3, 2012, and was overdue. Yet, plaintiff has still not disclosed an expert witness nor objected to the motion for summary disposition. An expert medical witness is necessary, and the absence of such evidence is fatal to plaintiff's claim. It is unclear why plaintiff has ignored the dispositive motion, and it is unclear whether plaintiff in fact has engaged an expert witness capable of supporting his medical negligence claim. As he is proceeding pro se, the court will afford plaintiff an opportunity to address the critical issues: he shall show cause on or before January 30, 2013, why summary judgment should not be entered in defendant's favor. Failure to show cause will result in entry of judgment for defendant.


Steven J. McAuliffe
United States District Judge

Date: January 16, 2013

cc: Wayne J. Jewell, pro se
T. David Plourde, Esq.